

UNITED STATES DISTRICT COURT

for the

Eastern District of California**FILED**

JAN 16 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY [Signature] DEPUTY CLERK

United States of America)

v.)

BYRON PREACELY)*Defendant*)

Case No. 1:23-CR-00238-JLT-SAB

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA*Place*2500 TULARE STREET, SUITE 1501, FRESNO CALIFORNIA, 93721

on

04/01/2024 9:00 AM*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

Defendant's release is delayed until 01/17/2024 at 8:30 AM

PREACELY, Byron

Doc. No. 1:23-CR-00238-JLT-SAB

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:

Name of person or organization

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED: _____

CUSTODIAN

- ☒ (7) The defendant must:
- ☒ (a) report on a regular basis to the following agency:
Pretrial Services and comply with their rules and regulations;
 - ☒ (c) upon successful completion of residential treatment, you must reside at a location approved by the pretrial services officer, and not move or be absent from this residence for more than 24 hrs. without prior approval of pretrial services officer;
 - ☒ (d) report any contact with law enforcement to your pretrial services officer within 24 hours;
 - ☒ (e) cooperate in the collection of a DNA sample;
 - ☒ (f) travel restricted to the Eastern District of California, unless otherwise approved in advance by pretrial services officer;
 - ☒ (g) not associate or have any contact with any victims (directly, indirectly, or through a third party), unless in the presence of counsel;
 - ☒ (h) participate in the substance abuse treatment program at WestCare inpatient facility and comply with all the rules and regulations of the program, as directed by program staff and Pretrial Services. You must remain in the inpatient facility until released by the pretrial services officer. A responsible party approved by Pretrial Services, shall escort you to all required court hearings and escort you back to the program upon completion of the hearing;
 - ☒ (i) not possess, have in your residence, or have access to a firearm/ammunition, destructive device, or other dangerous weapon; additionally, you must provide written proof of divestment of all firearms/ammunition, currently under your control;
 - ☒ (j) submit to drug and/or alcohol testing as approved by the pretrial services officer. You must pay all or part of the costs of the testing services based upon your ability to pay, as determined by the pretrial services officer;
 - ☒ (k) refrain from any use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you must notify Pretrial Services immediately of any prescribed medication(s). However, medical marijuana, prescribed and/or recommended, may not be used;
 - ☒ (l) upon successful completion of residential treatment, you must participate in a program of medical or psychiatric treatment, including treatment for drug or alcohol dependency, or individual specialized treatment, as determined by the pretrial services officer. You must pay all or part of the costs of the counseling services based upon your ability to pay, as determined by the pretrial services officer;
 - ☒ (m) not enter Sequoia National Park; and,
 - ☒ (n) not apply for or obtain a passport or any other traveling documents during the pendency of this case.

USMS SPECIAL INSTRUCTIONS:

- ☒ (o) Your release is delayed until 8:30 a.m., on January 17, 2024, at which time an individual designated by defense counsel will transport you directly to the admissions department at WestCare (located at 611 E. Belmont in Fresno).

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



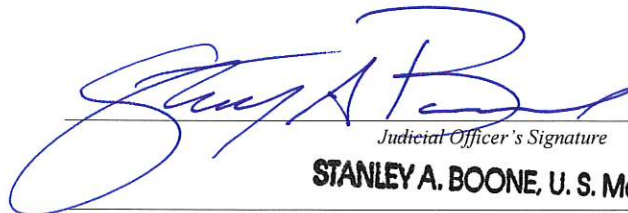
Defendant's Signature

Directions to the United States Marshal

(☒) The defendant is ORDERED released after processing.

Date:

1/16/24



Judicial Officer's Signature

STANLEY A. BOONE, U. S. Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL